



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 2347-99
15 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Bureau of Medicine and Surgery dated 2 October 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

IN REPLY REFER TO

6600
Ser 00DCB1/00468
2 Oct 00

From: Chief, Bureau of Medicine and Surgery (MED-00DC)
To: Chairman, Board for Correction of Naval Records

Subj: COMMENTS AND RECOMMENDATION IN THE CASE OF FORMER [REDACTED]
[REDACTED] DOCKET NO: 2347-99

1. The Board for Correction of Naval Records has reviewed the file and accompanying records in the case of former Petty [REDACTED]. My interpretation of the record indicates that [REDACTED] was appropriately released from active duty in February 1999 following a finding of no disqualifying conditions by the Medical Board and Physical Evaluation Board. At the time of discharge the subject was undergoing presurgical orthodontic care sponsored by the Navy in preparation for maxillofacial surgical intervention. Because of the subject's discharge, the anticipated surgery was never completed. It is clear that her malocclusion represents a condition that existed prior to her original enlistment.

2. While technically complicated, there does not appear to be any intrinsic reason that her dental care could not be provided through the Department of Veteran's Affairs (VA), as this is the usual remedy in such cases, quoted protests from the VA notwithstanding.

3. Recommendation: Subject should not be considered for reinstatement on active duty and should continue to pursue dental treatment through the avenues available to discharged veterans.

4. My point of contact is CDR [REDACTED] who can be reached at (202) 762-3025.

[REDACTED]
By direction